<u>REMARKS</u>

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-31 are currently pending. No claims have been amended by the present response, and no new matter has been added.

In the outstanding Office Action, Claims 1, 10, and 15-19 are rejected under obviousness-type double patenting as being unpatentable over the claims of patented application, U.S. Patent No. 7,603,335; Claims 1, 10, 15-19, and 26-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,117,253 to <u>Nakayama et al.</u> (hereinafter, "<u>Nakayama</u>"), U.S. Application Publication No. 2004/0163033 to <u>Wolfe et al.</u> (hereinafter, "<u>Wolfe</u>") and U.S. Patent Application Publication No. 2004/0019497 to <u>Volk et al.</u> (hereinafter, "<u>Volk</u>"); Claims 2-5 and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Nakayama</u>, <u>Wolfe</u>, <u>Volk</u>, and U.S. Patent Application Publication No. 2002/0077984 to <u>Ireton</u> (hereinafter, "<u>Ireton</u>"); Claims 6-9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Nakayama</u>, <u>Wolfe</u>, <u>Volk</u>, and U.S. Patent Application Publication No. 2004/0054650 to <u>Chun</u> (hereinafter, "<u>Chun</u>"); and Claims 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Nakayama</u>, <u>Wolfe</u>, <u>Volk</u>, and U.S. Patent Application Publication No. 2003/0093790 to <u>Logan et al.</u> (hereinafter, "<u>Logan</u>").

Regarding the obviousness-type double patenting rejections of Claims 1, 10, and 15-19, the current claims are rejected on non-statutory obviousness-type double patenting grounds with respect to U.S. Patent No. 7,603,335. Because the subject application is still rejected on other art grounds, Applicants defer the filing of a terminal disclaimer in accordance with MPEP § 804 until such time that these double patenting rejections become the only outstanding rejection.

Applicants' Claim 1 is directed to a contents acquisition method, and recites in part:

> transmitting file request information that requests an acquisition/use file including a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address, separate from the contents providing address;
>
> ***transmitting attributes request information for requesting contents attributes information*** for altering the attributes of the contents data corresponding to the in-storage contents identification information ***to the attributes information providing address in the acquisition/use file*** when the temporary storage of the in-storage contents identification information is completed. [Emphasis Added].

The Office Action acknowledges that any combination of <u>Nakayama</u> and <u>Wolfe</u> fails to disclose the claimed attributes information providing address. Rather, the Office Action associates the claimed attributes information providing address with unique identifiers (urls) for <u>Volk</u>'s songs and ad content, as described in paragraph [0037] of <u>Volk</u>.[1]

Applicants respectfully traverse the above association, and therefore, the 35 U.S.C. § 103(a) rejection of Claim 1 for the following reasons.

Claim 1 recites that file request information is transmitted to request an acquisition/use file which includes a contents providing address and an attributes information providing address. Further, Claim 1 recites that attributes request information is transmitted to the attributes information providing address, received in the acquisition/use file, to request contents attributes information for altering the attributes of the contents data.

Thus, in an exemplary embodiment of the claimed invention, the requested (and received) acquisition/use file includes an attributes information providing address. Further, an attributes request information is transmitted to the attributes information providing address in order to request contents attributes information used for altering the attributes of the contents data.

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[1] <u>See</u> Office Action dated April 14, 2010, pages 11 and 12.

Volk describes that, in response to a user may selecting one of a plurality of radio stations available via a radio station server 200, a station server 212 transmits a playlist for the selected radio station to the user, the playlist being a data file including a plurality of unique identifiers (urls) for a plurality of songs.[1] Further, Volk describes that, in addition to unique song identifiers (urls), the playlist may also contain unique identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist according to a predetermined schedule.

Therefore, Volk simply describes that, a playlist of songs for the selected radio station is transmitted to the user *in response to the user selecting the selected radio station* from a plurality of the same. However, there is *no* disclosure in Volk that an acquisition file, including an information providing address in response to the user's request for an acquisition file.

Further, Volk simply describes that the transmitted playlist includes identifiers (urls) for advertisements (e.g., audio ad content) that will be inserted between songs in the playlist. However, there is *no* disclosure in Volk that the playlist includes attribute information that used for altering the attributes of the contents data.

Finally, there is *no* disclosure in Volk that an attributes request information is transmitted to Volk's unique identifiers (urls) to request contents attributes information used for altering the attributes of the contents data.

Thus, Volk does *not* disclose or suggest the (1) transmitting file request information that requests an acquisition/use file including an attributes information providing address, separate from the contents providing address, or the (2) transmitting attributes request information for requesting contents attributes information for altering the attributes of the

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[1] See Volk, paragraph [0037].

contents data corresponding to the in-storage contents identification information to the

attributes information providing address in the acquisition/use file, as recited in Claim 1.

Therefore, based on all of the above reasons, Applicants submit that no matter how

the teachings of no matter how the teachings of Nakayama, Wolfe, and Volk are combined,

the combination does *not* disclose or suggest the (1) transmitting file request information that

requests an acquisition/use file including an attributes information providing address,

separate from the contents providing address, or the (2) transmitting attributes request

information for requesting contents attributes information for altering the attributes of the

contents data corresponding to the in-storage contents identification information to the

attributes information providing address in the acquisition/use file, as recited in Claim 1.

The discussion regarding Claim 1 also applies to independent Claims 10 and 15-19

because these claims recite features that are analogous to features recited in Claim 1.

Accordingly, it is respectfully requested that the 35 U.S.C. § 103(a) rejections of

independent Claims 1, 10, and 15-19 (and associated dependent Claims 26-31) be withdrawn.

Regarding the rejections of dependent Claims 2-5 and 11-13, it is respectfully

submitted that the additionally cited references do *not* remedy the deficiencies of Nakayama,

Volk, and Wolfe discussed above. Accordingly, it is respectfully requested that the 35 U.S.C.

§ 103(a) rejections of dependent Claims 2-9, 11-14, and 20-25 be withdrawn.

Consequently, in view of the present amendment and in light of the above discussion,

the outstanding grounds for rejection are believed to have been overcome. The application as

amended herewith is believed to be in condition for formal allowance. An early and

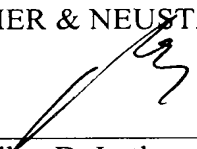favorable action to that effect is respectfully requested.

Respectfully submitted,

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